

JUN 10 2005 2:40PM FOLEY 8587926773

NO. 2920 P. 9

In re Application of
Geoffrey M. Wahl
Application No.: 10/086,542
Page 2 of 3

Atty. Dkt. No. SALK1790-6
(088802-3457)

REMARKS

The allowance of claims 1-10, and 12-19 in the Notice of Allowance mailed May 6, 2005, is acknowledged with appreciation.

With respect to the "examiner's statement of reasons for allowance" as set forth at page 3 of the Notice of Allowability, Applicant would like to clarify the record as follows. While Applicant agrees with the statements set forth in the first and fourth sentences of this section of the Notice of Allowability, clarification of the second and third sentences in this section is believed to be in order.

Specifically, the second sentence of this section (reproduced below, together with the third sentence for context), is ambiguous.

Applicant has also narrowed the scope of the claims to address the written description rejection based on the claims encompassing use of only one of the 13 base pair repeats. The claims now require that both 13 base pair repeats be present.

Specifically, reference to the "use of only one of the 13 base pair repeats" is not accurate, especially in view of the sentence which follows. The clause of claim 1 directed to the FLP recombination target site previously read:

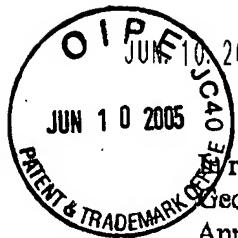
wherein said FLP recombination target site comprises at least two 13 base-pair segments having the sequence:

5' – GAAGTTCCTATTCT – 3', or

5' – GTATAGGAACTTC – 3',

wherein said 13 base-pair segments are separated by an 8 base-pair spacer.

023.271052.2



Re Application of
Geoffrey M. Wahl
Application No.: 10/086,542
Page 3 of 3

NO. 2920 P. 10

Atty. Dkt. No. SALK1790-6
(088802-3457)

(Emphasis added). Pursuant to a telephone discussion with the Examiner on March 16, 2005, the clause of claim 1 directed to the FLP recombination target site was amended in the communication dated April 8, 2005, to read:

wherein said FLP recombination target site comprises the
13 base-pair repeats of SEQ ID NO:3, separated by an 8 base-pair
spacer.

The previous claim language is submitted to be clear in contemplating the presence of at least two 13 base-pair repeats. The amendments submitted April 8, 2005 now make it abundantly clear that there are two 13 base-pair repeats and that the two 13 base-pair repeats comprise the two 13 base-pair segments set forth in SEQ ID NO:3.

Entry of the remarks submitted herewith is respectfully requested. In the event any matters remain to be resolved in view of this communication, the Examiner is encouraged to call the undersigned so that this application can promptly proceed to issue.

Respectfully submitted,

Date: June 10, 2005

By Stephan E. Reiter

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6711
Facsimile: (858) 792-6773

Stephen E. Reiter,
Attorney for Applicant
Registration No. 31,192

023.271052.2